

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

4570 NAVARRE-COULEE ROAD,  
CHELAN, WASHINGTON,  
TOGETHER WITH ALL  
APPURTEANCES, FIXTURES,  
ATTACHMENTS, AND  
IMPROVEMENTS THERETO AND  
THEREUPON,

Defendant.

}

CV-06-321-LRS

}

Post Complaint Protective  
Order

This matter having come before this Court on the motion of the United States of America for entry of a protective order pursuant to Title 18, United States Code, Section 983(j)(1)(A), which provides courts with jurisdiction to enter restraining orders and take such other action in connection with any property or other interest subject to forfeiture to ensure its availability for forfeiture; and

IT APPEARING TO THE COURT THAT:

The United States has filed a civil forfeiture complaint with respect to the above-captioned Defendant real property, including all buildings, appurtenances, and improvements thereon;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, PURSUANT TO 18 U.S.C. § 983(j)(1)(A) THAT:

1       The Defendant real property located at 4570 Navarre-Coulee Road, Chelan,  
2 Washington, is hereby restrained in the manners described below.

3                   **I. DEFINITIONS**

4       For purposes of this order, the following definitions shall apply:

5       1.     “Potential claimants” refers to the owner of the Defendant real  
6 property, Al Mendoza, his/her successors, assigns, officers, agents, servants,  
7 employees, and attorneys, and those persons in active concert or participation with  
8 him who receive actual notice of this order by personal service or otherwise, to  
9 include Rick S. Mendoza and Patricia Mendoza, the current occupants of the  
10 Defendant real property.

11       2.     “Defendant real property” or “4570 Navarre-Coulee Road” refers to  
12 the real property located at 4570 Navarre-Coulee Road, Chelan, Washington,  
13 including all buildings, appurtenances, fixtures and improvements thereon.

14                   **II. PROHIBITED ACTIVITIES**

15       IT IS THEREFORE ORDERED that potential claimants are enjoined from:

16       1)    Entering into any agreement to sell the Defendant real property during the  
17 pendency of this forfeiture action, unless the District Court orders the Property sold  
18 in an interlocutory sale, with the net proceeds to be deposited into an interest-  
19 bearing account as the substitute *res*, held in the custody and control of the United  
20 States Marshals Service.

21       2)    Transferring or disposing of, by any means, the Defendant real property.  
22 However, if any part of any of the Defendant real property has been transferred or  
23 disposed of by any means, potential claimants shall account to the Court for its  
24 disposition. Further, this Order applies with equal force and effect to restrain the  
25 transfer or disposition of the proceeds from said Property.

26       3)    Selling, assigning, pledging, distributing, giving away, encumbering, or  
27 otherwise participating in the disposal of, or removal from, the jurisdiction of this

1 Court, any part of or interest in the Defendant real property, without prior approval  
2 of the Court upon notice to the United States and an opportunity for the United  
3 States to be heard, except as specified in this Order.

4) Knowingly allowing any illegal activity to occur at the Defendant real  
5 property during the pendency of this civil forfeiture action.

6           **III. MAINTAINING THE PROPERTY**

7           IT IS FURTHER ORDERED that, during the pendency of this civil  
8 forfeiture action, potential claimants are ordered to do the following with respect to  
9 the Defendant real property:

10 1) Potential claimants shall take all reasonable precautions to prevent the  
11 destruction or diminution in value of the Defendant real property and any fixtures  
12 thereto.

13 2) Potential claimants shall maintain the yard and any landscaping in its current  
14 condition and shall not allow trash or other debris to accumulate.

15 3) Potential claimants shall maintain fire, flood, and hazard insurance on the  
16 Defendant real property.

17 4) Potential claimants shall ensure that all property taxes are paid on time and  
18 do not become delinquent.

19 5) Potential claimants shall neither take, nor knowingly permit or aid and abet,  
20 any action to destroy, damage, waste, dispose of, or transfer the Defendant real  
21 property, or its fixtures, without authority of the Court, for the purpose of  
22 impairing or defeating the Court's continuing *in rem* jurisdiction over said  
23 Defendant real property, in violation of 18 U.S.C. §2232(b).

24           **IV. MONITORING**

25           IT IS FURTHER ORDERED that the United States may monitor potential  
26 claimants' compliance with this Order by all lawful means available, including a  
27 Writ of Entry, if ordered by this Court.

## **VI. JURISDICTION**

This Court shall retain jurisdiction of this matter for all purposes.

The terms of this order shall remain in full force and effect until judgment is rendered on the civil forfeiture complaint filed with respect to the Defendant real property, or further order of the Court.

ORDERED this 1st day of December, 2006.

s/Lonny R. Suko

**Lonny R. Suko  
United States District Judge**